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PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991

Conditions of service and compensation for officials other than Secretariat officials

Members of the International Court of Justice

Sixteenth report of the Advisory Committee on Administrative and Budgetary Questions

1. In its report A/45/7/Add.10, dated 6 December 1990, the Advisory Committee on Administrative and Budgetary Questions recommended, inter alia, that the Secretary-General submit to the Committee, at its spring session in 1991, his proposals regarding the appropriate floor/ceiling exchange rates to be applied to the salaries of the members of the International Court of Justice as a measure of protection against currency fluctuations.

2. Under a system adopted by the General Assembly in its resolution 43/217 of 21 December 1988, on the recommendation of the Advisory Committee in its report A/43/7/Add.6, of 11 November 1988, the salaries of the members of the International Court of Justice are protected in local currency terms in the event of the weakening (strengthening) of the dollar below (above) a certain exchange rate. In the light of the revised emoluments payable to the members of the Court as from 1 January 1991, it was necessary to establish revised floor/ceiling rates to apply with effect from that date.

3. The Secretary-General has proposed that revised floor/ceiling exchange rates of 1.77 and 1.91 Netherlands guilders to the United States dollar respectively, be established for the emoluments of the members of the Court; this has been arrived at by applying the previous formula of 4 per cent above and 4 per cent below the average exchange rate to the year 1990. The average exchange rate in 1990 was 1.84 guilders to the dollar and would yield revised

floor/ceiling exchange rates of 1.77 and 1.91 guilders respectively. The floor exchange rate of 1.77 guilders to the dollar would result in a revised currency floor of 21,386 guilders per month and the ceiling exchange rate of 1.91 guilders to the dollar would result in a revised currency ceiling of 23,079 guilders per month. The Advisory Committee agrees with this proposal of the Secretary-General.

4. By its resolution 45/250 of 21 December 1990, the General Assembly concurred with the recommendation of the Advisory Committee, as contained in paragraph 15 of its report (A/45/7/Add.10), concerning the consequential changes in the Pension Scheme Regulations for members of the International Court of Justice. In paragraph 15 of its report, the Advisory Committee requested the Secretary-General to report the consequential changes to the Advisory Committee "which could authorize their provisional application until the next session of the General Assembly". As requested by the Advisory Committee in that report, the Secretary-General has reported the consequential changes in the Pension Scheme Regulations for the members of the Court, as follows:

Proposed amendments to the pension scheme regulations for members of the International Court of Justice

Article I. Retirement pension

In paragraph 2 (a), replace "one half of the annual salary" by "$50,000".

In paragraph 2 (b), replace "by one three-hundredth of the amount payable under paragraph 2 (a)" by "$250" and "two thirds of his annual salary" by "$75,000".

In paragraph 2 (c), replace "one half of the annual salary" by "the annual pension".

Article II. Disability pension

In paragraph 2, replace "one quarter of the annual salary" by "one half of the annual pension".

Article III. Widow's pension

In paragraphs 1 and 2, replace "one sixth of the annual salary" by "one third of the annual pension".

In paragraph 3 (a) and (b), replace "one twelfth of the annual salary" by "one sixth of the annual pension".

In paragraph 3 (c), replace "one sixth of the annual salary" by "one third of the annual pension".

Article IV. Child's benefit

In paragraph 1 (a), replace "one thirty-sixth of the annual base salary" by "one eighteenth of the annual pension".

Article VII. Application and effective date

In paragraph 1, replace "1 January 1984" by "1 January 1991".

The Advisory Committee has concurred in the provisional application of these changes.